

**DEPARTMENT OF INSURANCE**

LEGAL DIVISION  
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**MEMORANDUM**

**TO: Interested Parties**

**FROM: Department of Insurance**

**DATE: December 4, 2003**

**RE: Invitation to Prenotice Public Discussions on Contemplated Adoption of California Code of Regulations Regarding Viatical Settlements**

Pursuant to California Government Code Section 11346.45, California Insurance Commissioner John Garamendi will hold prenotice public discussions regarding the adoption of California Code of Regulations, Title 10, Chapter 5, Subchapter 11, Article 12.8, Sections 2548.1 through 2548.8, inclusive (the "Viatical Settlement Regulations"). The contemplated regulations would pertain to viatical settlements. Section 10113.2(f) of the California Insurance Code authorizes the Commissioner to adopt these regulations. **No draft language has been written at this time.**

You are hereby invited to participate in these prenotice public discussions. The purpose of these discussions is to allow interested and affected persons an opportunity to present statements or comments about how they would like the California Code of Regulations to be written on viatical settlements.

Public discussions will be held on the following date, at the times and location specified below:

Date: January 8<sup>th</sup>, 2004  
Location: California Department of Insurance  
Hearing Room, 22nd Floor  
45 Fremont Street  
San Francisco, CA 94105  
Time: 10.00 a.m. to 12:00 noon; 1:30 p.m. to 4:00 p.m.

The facility to be used for these public discussions is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the undersigned, by January 5, 2003, in order to make special arrangements.

Participants should be prepared to present comments regarding what they would like included, or not included, in the contemplated viatical settlement regulations.

All persons are invited to submit written statements, including suggested language for the regulations. Written statements may be in lieu of, or in addition to, oral statements.

Please be advised that participation in these prenotice discussions will be in addition to, and not in substitution for, any participation in the formal rulemaking process. Note that this invitation to prenotice public discussions does not constitute a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with these prenotice discussions will not be included in the rulemaking file, which will not be opened until the time formal notice is issued.

Similarly, the Department is not required to respond to comments received before that time. If you wish to have comments included in the rulemaking file, or to require the Department to respond to them as part of the process by which it adopts Viatical Settlement Regulations, you must present your comments during the formal public comment period, according to the procedures outlined in the Notice of Proposed Action.

The Commissioner, nonetheless, welcomes your participation in these discussions, and hopes that the Viatical Settlement regulations that will be proposed can benefit from your input.

All inquiries regarding the contemplated regulations and these public discussions should be directed to the undersigned.

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